

INITIAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

These regulations implement state law contained in Senate Bill (SB) 118 (Chapter 338, Statutes of 2009), Assembly Bill (AB) 2070 (Chapter 482, Statutes of 2008), SB 945 (Chapter 631, Statutes of 2010), AB 1325 (Chapter 287, Statutes of 2009), and SB 68 (Chapter 284, Statutes of 2015) which amended Welfare and Institutions Code Sections 294, 358.1, 361.5, 366.21, 366.22, 366.24, 366.26, 366.27, 366.3, 366.35, 16501.1, 16508, 16508.1 and added Sections 366.25, 607.5 and 16501.8. That legislation made changes to the requirements for case plan documentation, social worker visits to a parent/legal guardian who is incarcerated, institutionalized or in a court-ordered residential substance abuse treatment program, providing those same parent(s)/legal guardian(s) reunification services; providing services to wards who were once dependents; Independent Living Plans for youth who will turn 18 while in a group home placement and documentation of tribal customary adoption as a permanency option in the case plan of an Indian child.

Sections 31-206.211(a), (b) and (c), and .212Specific Purpose:

These sections are adopted to specify that the social worker shall include the following in the specific descriptions of the case plan objectives:

- information regarding the parent(s)/legal guardian(s) incarceration, institutionalization or admittance to a court-ordered residential substance treatment abuse program;
- any/all efforts made to contact and provide information to the parent(s)/legal guardian(s) who are incarcerated, institutionalized or in a court-ordered residential substance abuse treatment program of any services available to them;
- the need for the parent(s)/legal guardian(s) to maintain contact with their child;
- any barriers to the parent(s)/legal guardian(s) in fulfilling the requirements of the court-ordered reunification plan due to their incarceration, institutionalization or admittance to a court-ordered residential substance abuse program;
- any barriers to the parent(s)/legal guardian(s) in fulfilling the requirements of the court-ordered reunification plan due to their status as a minor or nonminor dependent parent(s); and
- that Tribal Customary Adoption (TCA) shall be included as a concurrent option in the case plan documentation of an Indian child

Factual Basis:

These sections are necessary for consistency with Welfare and Institutions Code sections 361.5(a)(3)(A), 366.24(a)(2) and (b) and 16501.1(b)(4) which describe the information which must be documented in the case plan when the child is an Indian child, the parent(s)/legal guardian(s) are minor or nonminor dependent parents, or are incarcerated, institutionalized, or in a court-ordered residential substance abuse treatment program during the time a minor child of the parent(s)/legal guardian(s) is involved in dependency care.

Handbook Section 31-206.222(b)(1)

Specific Purpose/Factual Basis:

This handbook section adds Welfare and Institutions Code section 366.24(b) which describes the specific details of Tribal Customary Adoptions.

Sections 31-525.31 and .311

Specific Purpose:

Section 31-525.31 is amended and Section 31-525.311 is adopted to specify that when a juvenile court terminates jurisdiction of a ward who was a dependent in the foster care system, the probation officer or social worker must provide the youth with certain documentation regarding his or her foster care dependency and the services available to them.

Factual Basis:

These sections are necessary for consistency with Welfare and Institutions Code section 16501.1(g)(16)(A)(i) and 607.5 which describes the steps a social worker or probation officer shall follow when a juvenile court terminates jurisdiction of a ward who was previously a dependent of the foster care system.

Section 31-525.69

Specific Purpose:

This section is adopted to specify that an Independent Living Plan shall be initiated for any youth in a group home placement whose social worker or probation officer has good cause to believe the youth will remain in the group home placement until their 18th birthday.

Factual Basis:

This section is necessary for consistency with Welfare and Institutions Code section 16501.1(g)(16)(A)(ii) which specifies that if a dependent youth in a group

home placement will not achieve permanency by their 18th birthday, an Independent Living Plan shall be put into place for the youth.

b) Identification of Documents Upon Which Department Is Relying

- SB 118 (Chapter 338, Statutes of 2009) Sections 1.5 and 2
- AB 2070 (Chapter 482, Statutes of 2008) Section 1
- AB 1325 (Chapter 287, Statutes of 2009) Sections 7 and 12
- SB 945 (Chapter 631, Statutes of 2010) Section 2
- SB 68 (Chapter 284, Statutes of 2015)

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

d) Statement of Alternatives Considered

No other alternatives are permissible, as these regulations are being developed as a result of state law implemented by Assembly Bill (AB) 2070 (Chapter 482, Statutes of 2008) and Senate Bill (SB) 118 (Chapter 338, Statutes of 2009) regarding incarcerated parents of children in the foster care system, SB 945 (Chapter 631, Statutes of 2010) regarding wards who were once dependents and the services available to them, AB 1325 (Chapter 287, Statutes of 2009) regarding tribal customary adoptions, and SB 68 (Chapter 284, Statutes of 2015) regarding minor and nonminor dependent parents and reunification services.

The CDSS must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of CDSS, would be more effective in carrying out the purpose for which these regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

e) Statement of Significant Adverse Economic Impact on Business

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because the proposed regulations are only applicable to state and county agencies and are mandated by the State of California.

Provisions of SB 118 (Chapter 338, Statutes of 2009) would require social workers to include additional information into a child's case plan regarding the status of parent(s)/legal guardian(s) incarceration, institutionalization or

admittance to a court-ordered residential substance abuse treatment program, or in the case of an Indian child, tribal customary adoption. The Child Welfare System/Case Management System is currently able to capture information about a child's incarcerated parent(s), thus these provisions would result in unknown, but minimal and absorbable costs associated with the time required to enter this data into the Child Welfare System/Case Management System.

f) Economic Impact Assessment

In accordance with the Welfare and Institutions Code Sections 361.5, 366.24, 607.5, and 16501.1, CDSS made the following assessments regarding the proposed regulatory amendments based on AB 2070 Foster Care: Incarcerated Parents (Chapter 482, Statutes of 2008), SB 118 Child Welfare Services: Incarcerated Parents (Chapter 338, Statutes of 2009), SB 945 (Chapter 631, Statutes of 2010) Juvenile Court Jurisdiction: Services and Benefits and AB 1325 (Chapter 287, Statutes of 2009) Tribal Customary Adoption and SB 68 (Chapter 284, Statutes of 2015) Minor or nonminor dependent parents: reunification services. The CDSS determined there is no impact on California businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

Creation or Elimination of Jobs Within the State of California

The proposed regulation amendments will neither create nor eliminate jobs in the State of California. The proposed regulations will bring the Child Welfare Manual into compliance with state statutes. Therefore, CDSS has determined this regulatory proposal will not have an impact on the creation or elimination of jobs in the State of California.

Creation of new or Elimination of Existing Businesses Within the State of California

The proposed regulations include changes to the Child Welfare Services Manual – Case Plan Documentation section by detailing additional information to be included by a social worker in case plans regarding Tribal Customary Adoption as a concurrent permanency option for Indian children, parent(s)/legal guardian(s) who have been incarcerated, institutionalized or court-ordered to a residential substance abuse treatment program, as well as wards who were once dependents of the foster care system and the services they are entitled to. In addition, these proposed regulations make technical, conforming changes, such as amending and renumbering of sections and cross references as necessary.

The proposed regulations include changes to the Child Welfare Services Manual – Independent Living Plan section by describing that once the juvenile court terminates jurisdiction over a youth who was a former dependent of the foster care system, the social worker or probation officer shall provide the youth with documentation of his or her dependency and information on how to access any available services. The proposed regulations also state when a dependent youth is placed in a group home and the social worker/probation officer has good

cause to believe the youth will not achieve permanency by their 18th birthday, a transitional Independent Living Plan will be put into place for the youth.

The proposed amendments will neither create nor eliminate jobs in the State of California. The proposed regulations will amend the Child Welfare Services Manual to be in compliance with state statutes. Therefore, CDSS has determined this regulatory proposal will not have an impact on the creation or elimination of jobs in the State of California and are only applicable to state and county agencies and are mandated by the State of California.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

The proposed amendments will neither expand nor eliminate businesses in the State of California. The proposed regulations are mandated by the State of California and will bring the existing Child Welfare Services Manual into compliance with state statutes. The proposed regulations affect only state and county agencies and regulate only child welfare services participants.

Benefits of the Regulations

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: These regulations will create clarity and guidance for county social workers to effectively document information regarding Tribal Customary Adoption or a parent(s)/legal guardian(s) incarceration, institutionalization or participation in a court-ordered residential substance abuse treatment program in the case plan for the purpose of allowing extensions of reunification services, and provides specific details for wards of the juvenile court who were also dependents. The following documents were relied upon in proposing the regulatory action: SB 118 (Chapter 338, Statutes of 2009), Sections 1.5 and 2; AB 2070 (Chapter 482, Statutes of 2008), Section 1; SB 945 (Chapter 631, Statutes of 2010), Section 2; AB 1325 (Chapter 287, Statutes of 2009), Sections 7 and 12; and SB 68 (Chapter 284, Statutes of 2015).

g) Benefits Anticipated from Regulatory Action

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: These regulations will create clarity and guidance for county social workers to effectively document information regarding Tribal Customary Adoption or a parent(s)/legal guardian(s) incarceration, institutionalization or participation in a court-ordered residential substance abuse treatment program in the case plan for the purpose of allowing extensions of reunification services. The following documents were relied upon in proposing the regulatory action: SB 118 (Chapter 338, Statutes of 2009), Sections 1.5 and 2; AB 2070 (Chapter 482, Statutes of 2008), Section 1; SB 945 (Chapter 631, Statutes of 2010), Section 2; AB 1325 (Chapter 287, Statutes of 2009), Sections 7 and 12; and SB 68 (Chapter 284, Statutes of 2015).

h) Statement of Specific Technology or Equipment

This regulatory action will not mandate the use of new, specific technologies or equipment.